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*Counsel for Trans Union, LLC*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY (TRENTON)**

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MARC LICHTENSTEIN,  
Plaintiff,

CASE NO. 3:20-cv-06249-MAS-LHG

vs.

Judge Michael A. Shipp  
Magistrate Judge Lois H. Goodman

EXPERIAN INFORMATION SOLUTIONS,  
INC.; TRANS UNION, LLC; CHRYSLER  
CAPITAL LLC; and SANTANDER  
CONSUMER USA, INC.;  
Defendants.

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**DECLARATION OF SHAMEEK DENNIS IN SUPPORT OF TRANS UNION, LLC'S  
AND EXPERIAN INFORMATION SOLUTIONS, INC.'S  
JOINT MOTION FOR SUMMARY JUDGMENT**

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I, Shameek Dennis, hereby declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am a Representative II in the Litigation Support department of Trans Union, LLC ("Trans Union"), am authorized to make this Declaration on its behalf and have personal knowledge of the matters contained herein.

2. On behalf of Trans Union, I make this Declaration in support of Trans Union's and Experian Information Solutions, Inc.'s ("Experian's") Joint Motion For Summary Judgment (the

“Motion”), and for the purpose of introducing copies of documents that may be considered in connection with the Motion.

3. Plaintiff Marc Lichtenstein (“Plaintiff”) is a “consumer” as that term is defined by the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (the “FCRA”).

4. Trans Union is a “consumer reporting agency” (“CRA”) as that term is defined by the FCRA.

5. As a CRA, Trans Union collects credit information furnished to it by various sources around the country including banks, credit unions, automobile dealers, student loan providers and others (these sources are known as “furnishers of information” within the credit reporting industry and under the FCRA).

6. Chrysler Capitol (“Chrysler”) is a “furnisher of information” as that term is defined by the FCRA.

7. Trans Union accepts information on a consumer’s credit only from those sources of information that, either on the basis of its prior experience or because of the source’s reputation, are determined by Trans Union to be reasonably reliable.

8. These sources of credit information execute a subscriber agreement, which require that they will comply with the FCRA, including that they provide only accurate information to Trans Union and investigate consumer disputes that Trans Union submits.

9. Trans Union’s experience with Chrysler is that Chrysler is a reliable source of credit information.

10. Trans Union maintains reasonable procedures designed to assure that it conducts reasonable reinvestigations of information disputed by consumers.

11. A consumer may contact Trans Union to dispute information reporting in their credit file by telephone, mail, or the internet.

12. Upon receipt of a dispute, and after locating the consumer's credit file, Trans Union reviews and consider all relevant information, if any, provided by the consumer and reviews the contents of the consumer's credit file.

13. If Trans Union is able to make updates based on the information it has, it may do so immediately.

14. If further investigation is required, Trans Union notifies the data furnisher of the consumer's dispute, describes all relevant information provided by the consumer, and includes the consumer's account information as it then appears in Trans Union's credit file for the consumer.

15. Communications between CRAs and data furnishers are generally made through a process where the CRA electronically transmits an Automated Consumer Dispute Verification ("ACDV") form to the furnisher. The ACDV process is an industry standard used by all three nationwide CRAs (Trans Union, Experian and Equifax). The ACDV process allows CRAs to communicate with data furnishers through use of any array of pre-determined codes and narrative phrases, along with individualized consumer messages. This process enhances consistency and reduces misunderstandings.

16. When the data furnisher receives the ACDV from Trans Union, it is required by its contract with Trans Union and by the FCRA to conduct its own investigation and report the results to Trans Union.

17. On May 10, 2018, Chrysler began reporting Chrysler Capitol #3000-0212-4991-3100-0 (the "Account") on Plaintiff's Trans Union credit file.

18. On June 11, 2018, Chrysler reported to Trans Union that the Account was 30-days-late for the month of May 2018.

19. On November 19, 2018, Chrysler reported to Trans Union that the Account was 30-days-late for the month of October 2018.

20. On January 10, 2019, Chrysler reported to Trans Union that the Account was 30-days-late for the month of November 2018.

21. On February 19, 2019, Trans Union received correspondence from Plaintiff (the “Trans Union Dispute”) stating, in relevant part, “[t]he [Account] is reporting with a late payment. I have not been late in May 2018, this is an error. The first payment was paid at the dealer, then I set up an autopay at the dealer and only when I received a call for not making a payment I realized the autopay was not working.” Attached hereto as **Exhibit A** is a true and correct copy of the Trans Union Dispute, redacted pursuant to Federal Rule of Civil Procedure (“Rule”) 5.2.

22. Plaintiff’s Trans Union Dispute did not state that the October 2018 or November 2018 30-day-late payment notations were inaccurate or request that Trans Union reinvestigate the accuracy of them.

23. Upon receipt of Plaintiff’s Trans Union Dispute, Trans Union initiated a reinvestigation – including reviewing Plaintiff’s correspondence, reviewing the information in Plaintiff’s credit file and preparing an ACDV to be sent to Chrysler, along with a complete copy of Plaintiff’s dispute correspondence.

24. The Trans Union dispute operator selected two dispute codes to be included on the ACDV: “Disputes present/previous Account Status/Payment Rating/Account History. Verify Account Status, Payment Rating and Account History” and “Disputes Current Balance and/or

Amount Past Due. Verify Current Balance or Amount Past Due.” Attached hereto as **Exhibit B** is a true and correct copy of the Trans Union ACDV, redacted pursuant to Rule 5.2.

25. The Trans Union dispute operator also added a Consumer Message to the ACDV: “Never late in 5 2018.”

26. The Trans Union ACDV was sent to Chrysler on February 24, 2019, along with a complete copy of Plaintiff’s dispute correspondence.

27. On March 4, 2019, Chrysler responded to the Trans Union ACDV, confirming, in relevant part, that the Account was accurately reporting as 30-days-late for the month of March 2018.<sup>1</sup>

28. On March 4, 2019, Trans Union also received a Carbon Copy of the Experian ACDV, whereby Chrysler confirmed that the Account was accurately reporting as 30-days-late for the month of March 2018. Attached hereto as **Exhibit C** is a true and correct copy of the Experian Carbon Copy, redacted pursuant to Rule 5.2.

29. On March 5, 2019, Trans Union sent its Investigation Results to Plaintiff. Attached hereto as **Exhibit D** is a true and correct copy of the Trans Union Investigation Results, redacted pursuant to Rule 5.2.

**I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.**

Executed on: 9/23/2020

Signature: *Shameek Dennis*

Printed: Shameek Dennis

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<sup>1</sup> Chrysler verified the March 2018 payment notation by verifying a “1” (30-days-late) in the March 2018 bucket of the PYMT PATTERN field of the ACDV.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been filed electronically on the **25th day of September, 2020**. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing.

Yaakov Saks, Esq. <a href="mailto:ysaks@steinsakslegal.com">ysaks@steinsakslegal.com</a>	Dorothy A. Kowal, Esq. <a href="mailto:dkowal@pricemeese.com">dkowal@pricemeese.com</a>
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The undersigned further certifies that a true copy of the foregoing was served on the following parties via First Class, U.S. Mail, postage prepaid, on the **25th day of September, 2020** properly addressed as follows:

None.	
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/s/ William R. Brown

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